

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 7, 8, 13, 19, 20 and 25-29 are currently being amended.

Claim 30 is being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-30 are now pending in this application.

Claims 13-22, 28 and 29 were rejected under 35 U.S.C. § 101 because the claimed invention was allegedly directed to non-statutory subject matter. Applicant has amended independent claims 13, 19, 20, 28 and 29 to overcome this rejection. Claims 14-18, 21 and 22 depend from the amended independent claims. Accordingly, claims 13-22, 28 and 29 now recite statutory subject matter.

Claims 1-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,615,109 to Eder. Applicant respectfully traverses this rejection for the following reasons.

The present invention is directed to automated bid decision systems and methods. The disclosed embodiments relate to systems and methods which utilize a logical formula which represents a relationship between two or more bid items to determine a potential profit. The relationship between the items and the pricing information for two or more items is used to determine which items or combination of items should be bid upon. For example, Figure 5 illustrates one embodiment of the relationship between two items. Based on this relationship and the current prices of the items, decisions can be made as to which item or combination of

items may be most profitable, for example. Accordingly, independent claims 1, 7, 8, 13, 19, 20, 25, 26 and 27 each recite “a logical formula representing a relationship among a plurality of bid items,” and selecting a candidate combination “based on the logical formula and price information of two or more of the plurality of bid items.”

Claims 28 and 29 also recite a logical formula representing a relationship between items. Specifically, claim 28 recites a logical formula representing a logical OR of two items, and claim 29 recites a logical formula representing a logical AND of two items.

The cited reference fails to teach or suggest using a logical formula representing a relationship between two or more items. Instead, Eder discloses a system of ordering items at different prices from multiple vendors. The orders depend on variations in the price and quantity between the vendors. The selections are made item-by-item. Eder does not disclose evaluation of a relationship between items. As indicated at Eder, col. 71, lines 6-10, the system in Eder only adds profits for each item. Thus, Eder does not disclose evaluation of a combinational profit of items in a relationship (logical) formula and does not teach maximizing profit of items represented by a logical formula. .

Eder fails to teach or suggest at least these limitations of the recited claims. Accordingly, independent claims 1, 7, 8, 13, 19, 20, 25, 26, 27, 28 and 29 are patentable. Claims 2-6, 9-12, 14-18 and 21-24 and new claim 30 depend from one of the patentable claims and are, therefore, patentable for at least that reason, as well as additional patentable features when those claims are considered as a whole.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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